

FOIA ANNUAL REPORT

FOR

10/01/2006
THROUGH
09/30/2007

Thursday, October 11, 2007

The following **Annual Freedom of Information Act** report covers the Period 10/01/2006, through 09/30/2007, as required by 5 U.S.C. 552.

I. Basic Information Regarding Report

- A. Name, Title, Address, and Telephone Number
- B. Electronic Address for report on World Wide Web
- C. How to obtain copy in paper form

II. How to make a FOIA Request

Our FOIA Reference Guide includes information regarding how to make a FOIA request.

III. Definitions of Terms and Acronyms Used in the Report

Basic terms, expressed in common terminology

1. FOIA/PA request - Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial request - a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal - a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal - a request or appeal for which an agency has taken a final

action on the request or the appeal in all respects.

5. Multi-track processing - a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing - an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request - a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. Complex request - a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant - an agency decision to disclose all records in full response to a FOIA request.
10. Partial grant - an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. Denial - an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits - the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a Perfected FOIA request).
13. Perfected request - a FOIA request for records that adequately describes the records sought, which has been received by the FOIA office of each agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute - a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b) (3).
15. Median number - the middle, not average number. For example, of 3, 7, and 14, the median number is 7.
16. Average number - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. EXEMPTION 3 STATUTES.

	Code	Number of Instances	Court Upheld	Statute/Rule (A.1.)
02	ADR Act U.S.C. Section 547(j)	1	Yes	1996 ADR Act. U.S.C. Section 574 (j)
05	ADR Act U.S.C. Section 547(j)	1	Yes	1996 ADR Act. U.S.C. Section 574 (j)
07	P.I.A. 41 U.S.C. 253b(m)(1)	1	Yes	Procurement Integrity Ad, 41 U.S.C. 253b(m)(1): Contract Proposal
HQ	F.R. Cr. P. 6(e)	1	Yes	Federal Rules of Criminal Procedure: Records relating to Grand Jury Investigations or Proceedings
	P.I. Act 41 U.S.C b(m)(1)	1	Yes	Procurement Integrity Act: Contract Proposals
	FIFRA 7 U.S.C. 136h Sect. 10g	22	Yes	Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. 136 h, Section 10 (g): Analytical, health, environmental effects and efficacy data that prohibits registrants from disclosing information to foreign competitors
	P.I.A. 41 U.S.C. 253b(m)(1)	4	Yes	Procurement Integrity Ad, 41 U.S.C. 253b(m)(1): Contract Proposal
	Section 107	1	Yes	Ethics In Government Act

V. INITIAL FOIA ACCESS REQUESTS.

A. Numbers of Initial Requests.

	NUMBER OF REQUESTS PENDING AS OF END OF PRECEDING YEAR (A.1.)	NUMBER OF REQUESTS RECEIVED IN CURRENT YEAR (A.2.)	NUMBER OF REQUESTS PROCESSED IN CURRENT YEAR (A.3.)	NUMBER OF REQUESTS PENDING AS OF END OF CURRENT YEAR (A.4.)
01	47	312	340	19
02	531	2285	2239	577
03	144	1527	1513	158
04	60	827	817	70
05	178	1853	1912	119
06	234	710	816	128
07	70	760	765	65
08	23	342	325	40
09	52	682	673	61
10	71	437	459	49
HQ	563	2085	2207	441
TOTALS	1973	11820	12066	1727

B. Disposition of Initial Requests.

	TOTAL GRANTS (B.1.)	PARTIAL GRANTS (B.2.)	DENIALS (B.3.)	OTHER (B.4.)
01	149	12	1	178
02	308	18	2	1911
03	241	21	2	1249
04	388	100	0	329
05	735	54	3	1119
06	323	28	1	462
07	298	22	3	442
08	201	9	1	114
09	268	23	9	373
10	240	26	1	192
HQ	1462	311	60	377
TOTALS	4613	624	83	6746

**EXEMPTIONS CLAIMED UNDER THE FREEDOM OF INFORMATION ACT
(B.3.a)**

	(b)(1)	(b)(2)	(b)(3)	(b)(4)	(b)(5)	(b)(6)	(b)(7) (A)	(b)(7) (B)	(b)(7) (C)	(b)(7) (D)	(b)(7) (E)	(b)(7) (F)	(b)(8)	(b)(9)
01	0	1	0	2	11	2	4	0	1	0	0	0	0	0
02	0	1	1	2	13	5	7	0	0	0	0	0	0	0
03	0	1	0	3	16	5	9	0	2	2	3	0	0	0
04	0	1	0	42	63	47	34	0	17	0	0	0	0	0
05	0	0	1	16	35	8	17	0	1	0	0	0	0	0
06	0	5	0	5	18	13	13	1	2	1	0	0	0	0
07	0	0	1	8	11	9	7	0	0	0	0	0	0	0
08	0	0	0	2	9	0	1	1	0	0	0	0	0	0
09	0	0	0	3	13	4	12	0	8	4	1	0	0	0
10	0	0	0	1	23	2	8	0	5	0	0	0	0	0
HQ	0	26	29	185	98	46	26	0	35	27	14	0	0	0
TOTALS	0	35	32	269	310	141	138	2	71	34	18	0	0	0

**EXPLANATION OF DISPOSITION OF FOIA INITIAL REQUESTS:
OTHER REASONS FOR NONDISCLOSURE
(B.4.)**

	No records	Referrals	Request withdrawn	Fee-related reason	Records not reasonably described	Not a proper FOIA request for some other reason	Not an agency record	Duplicate request	Other
01	147	6	15	0	0	0	1	1	8
02	1612	3	92	0	5	0	4	10	185
03	1108	28	80	1	0	0	2	9	21
04	229	1	61	13	1	0	1	4	19
05	1021	0	75	6	5	1	3	6	2
06	387	5	40	0	0	0	0	8	22
07	394	3	33	0	0	0	0	6	6
08	80	1	22	2	0	2	1	6	0
09	303	10	31	1	2	2	1	5	18
10	145	0	45	0	0	0	0	2	0
HQ	191	1	129	8	0	4	1	21	22
TOTALS	5617	58	623	31	13	9	14	78	303

VI. Appeals of Initial Denials of FOIA Requests

A. Numbers of Appeals.

	NUMBER OF REQUESTS PENDING AS OF END OF PRECEDING YEAR (A.1.)	NUMBER OF REQUESTS RECEIVED IN CURRENT YEAR (A.2.)	NUMBER OF REQUESTS PROCESSED IN CURRENT YEAR (A.3.)	NUMBER OF REQUESTS PENDING AS OF END OF CURRENT YEAR (A.4.)
01	0	0	0	0
02	0	0	0	0
03	0	0	0	0
04	0	0	0	0
05	0	0	0	0
06	0	0	0	0
07	0	0	0	0
08	0	0	0	0
09	0	0	0	0
10	0	0	0	0
HQ	226	97	127	196
TOTALS	226	97	127	196

B. Disposition of Appeals.

	TOTAL GRANTS (B.1.)	PARTIAL GRANTS (B.2.)	DENIALS (B.3.)	OTHER (B.4.)
01	0	0	0	0
02	0	0	0	0
03	0	0	0	0
04	0	0	0	0
05	0	0	0	0
06	0	0	0	0
07	0	0	0	0
08	0	0	0	0
09	0	0	0	0
10	0	0	0	0
HQ	28	19	45	35
TOTALS	28	19	45	35

**EXEMPTIONS CLAIMED UNDER THE FREEDOM OF INFORMATION ACT
(B.3.a)**

	(b)(1)	(b)(2)	(b)(3)	(b)(4)	(b)(5)	(b)(6)	(b)(7) (A)	(b)(7) (B)	(b)(7) (C)	(b)(7) (D)	(b)(7) (E)	(b)(7) (F)	(b)(8)	(b)(9)
01	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HQ	0	7	1	4	27	12	7	0	9	5	1	0	0	0
TOTALS	0	7	1	4	27	12	7	0	9	5	1	0	0	0

**EXPLANATION OF DISPOSITION OF FOIA APPEAL REQUESTS:
OTHER REASONS FOR NONDISCLOSURE
(B.4.)**

	No records	Referrals	Request withdrawn	Fee-related reason	Records not reasonably described	Not a proper FOIA request for some other reason	Not an agency record	Duplicate request	Other
01	0	0	0	0	0	0	0	0	0
02	0	0	0	0	0	0	0	0	0
03	0	0	0	0	0	0	0	0	0
04	0	0	0	0	0	0	0	0	0
05	0	0	0	0	0	0	0	0	0
06	0	0	0	0	0	0	0	0	0
07	0	0	0	0	0	0	0	0	0
08	0	0	0	0	0	0	0	0	0
09	0	0	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0	0	0
HQ	0	0	19	1	0	0	0	2	13
TOTALS	0	0	19	1	0	0	0	2	13

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS.

A. Median processing time for requests processed during the year.

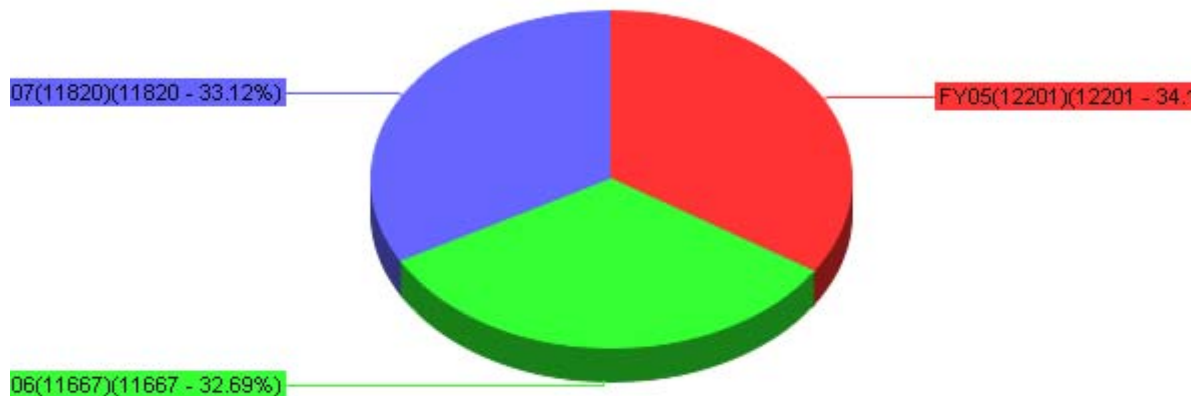
	Simple Requests (A.1)			Complex Requests (A.2)			Requests Accorded Expedited Processing (A.3)		
	Number of Requests Received (A.1.a.)	Number of Requests Processed (A.1.b.)	Median Number of Days To Process (A.1.c.)	Number of Requests Received (A.2.a.)	Number of Requests Processed (A.2.b.)	Median Number of Days To Process (A.2.c.)	Number of Requests Received (A.3.a.)	Number of Requests Processed (A.3.b.)	Median Number of Days To Process (A.3.c.)
01	308	331	20	4	9	116	0	0	0
02	2277	2230	49	7	9	75	1	0	0
03	1368	1365	17	159	148	33	0	0	0
04	807	789	15	20	28	69	0	0	0
05	1836	1898	18	16	14	52	1	0	0
06	649	769	28	60	46	66	1	1	38
07	758	763	17	2	2	140.5	0	0	0
08	336	321	13	6	4	39.5	0	0	0
09	631	614	20	51	59	39	0	0	0
10	415	431	20	22	28	38.5	0	0	0
HQ	2048	2164	18	35	42	31.5	2	1	75
TOTALS	11433	11675	N/A	382	389	N/A	5	2	N/A

B. Status of pending requests.

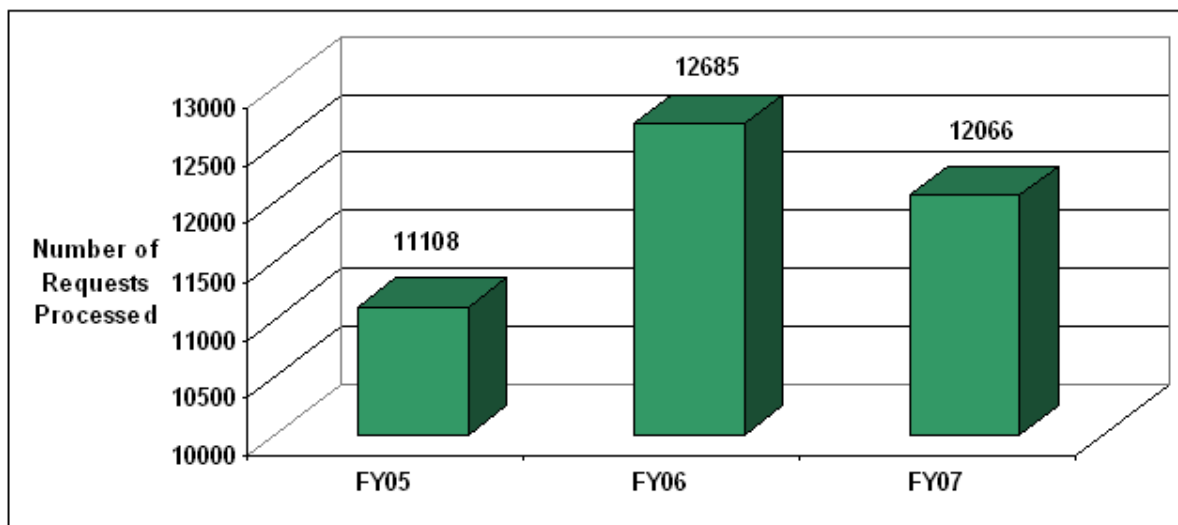
	NUMBER OF REQUESTS PENDING AS OF END OF FISCAL YEAR (B.1.)	MEDIAN NUMBER OF DAYS TO PROCESS (B.2.)
01	19	13
02	577	43
03	158	6
04	70	8.5
05	119	8
06	128	30
07	65	13
08	40	23.5
09	61	9
10	49	25
HQ	441	90
TOTALS	1727	N/A

VIII. COMPARISONS WITH PREVIOUS YEAR(S).

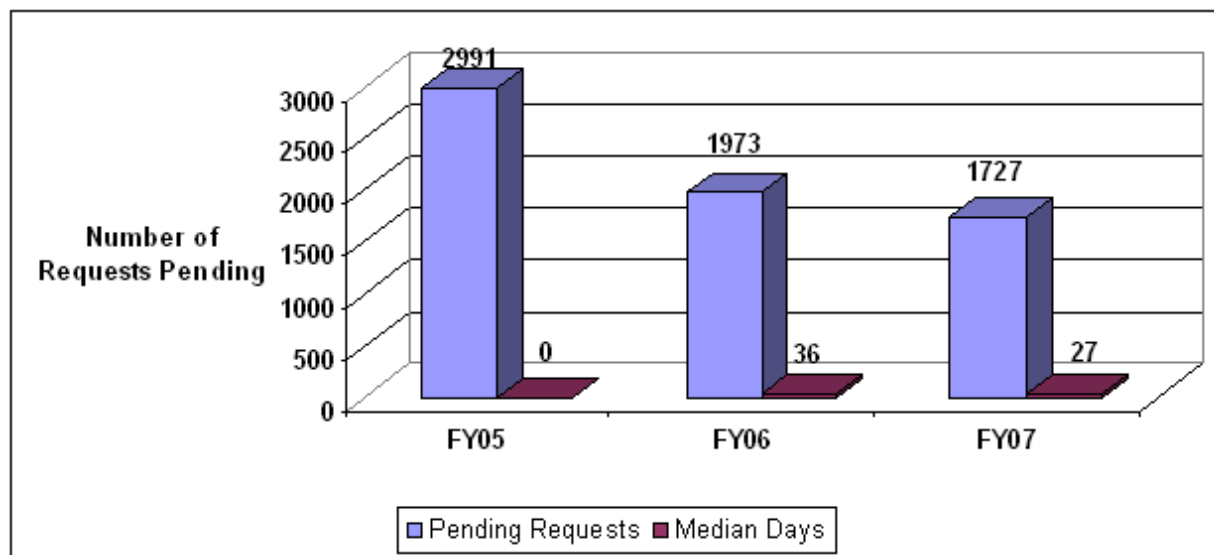
A. Comparison of numbers of requests received:



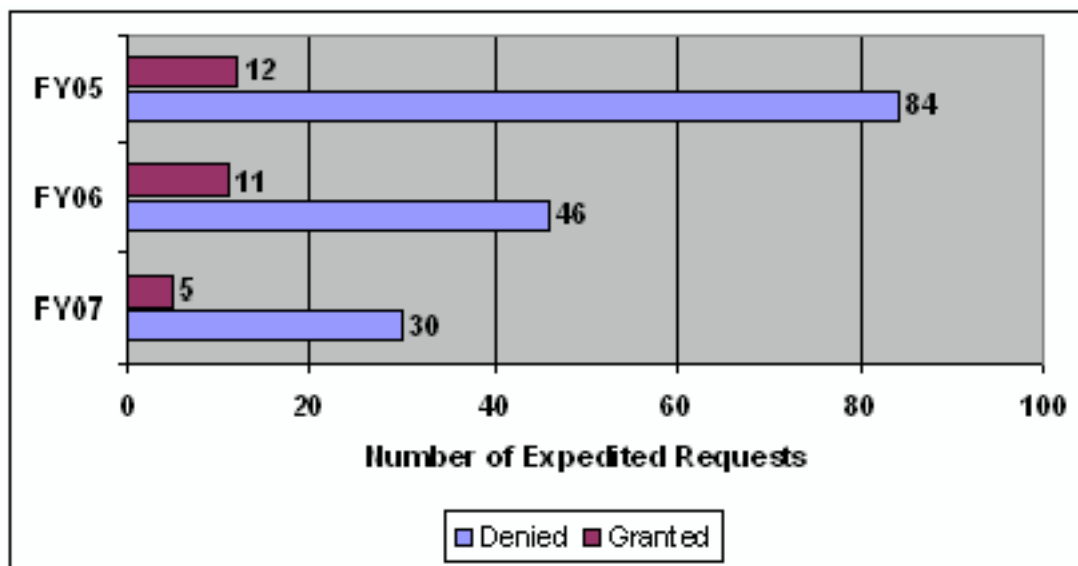
B. Comparison of numbers of requests Processed:



C. Comparison of median numbers of days requests were pending as of end of the fiscal year:



D. Other statistics significant to the Agency:



IX. COSTS/FOIA STAFFING.

	Staffing Levels			Total Costs including staff and all resources		
	Number of Full Time Personnel (A.1.)	Number of Personnel With Part Time or Occasional FOIA Duties (In Total Work-Years) (A.2.)	Total Number of Personnel (In Work-Years) (A.3.)	FOIA Processing (Including Appeals) (Estimated) (B.1.)	Litigation-related activities (Estimated) (B.2.)	Total Costs (B.3.)
01	0	3.40	3.40	\$419,449.00	\$0	\$419,449.00
02	0	5.35	5.35	\$869,178.85	\$0	\$869,178.85
03	6	5.95	11.95	\$421,632.00	\$0	\$421,632.00
04	12	0.07	12.07	\$974,765.36	\$0	\$974,765.36
05	8	11.7	19.7	\$2,247,082.07	\$0	\$2,247,082.00
06	1	3.85	4.85	\$522,044.64	\$0	\$522,044.64
07	1	0.75	1.75	\$118,740.00	\$0	\$118,740.00
08	0	2.10	2.10	\$124,502.00	\$0	\$124,502.00
09	1	9	10.00	\$257,979.93	\$0	257,979.93
10	0	2.60	2.60	\$94,448.78	\$0	\$94,448.78
HQ	11	34.33	45.33	\$3,791,322.50	\$464,405.76	\$3,482,822.66
TOTALS	40	79.10	119.10	\$9,841,145.06	\$464,405.76	\$10,305,550.82

X. FEES.

	Total Fees Collected for processing requests (A)	Percentage of Total Costs (B)
01	\$9,403.00	2.24
02	\$21,928.38	2.52
03	\$26,435.00	6.27
04	\$20,359.01	2.09
05	\$41,287.00	1.84
06	\$24,324.80	4.66
07	\$21,532.45	18.13
08	\$18,148.08	14.58
09	\$18,049.00	7.00
10	\$15,982.48	16.92
HQ	\$96,334.57	2.77
TOTALS	\$313,783.77	3.04

XI. FOIA Regulations

For more information, please consult the EPA FOIA Regulations. They can be found at the following website: <http://www.epa.gov/foia/foiaregs.htm>.

XII. REPORT ON EXECUTIVE ORDER 13,392 IMPLEMENTATION.

On December 14, 2005, the President issued Executive Order 13,392, entitled "Improving Agency Disclosure of Information," which established a "citizen centered" and "results oriented" approach to administration of the Freedom of Information Act (FOIA). The Executive Order required each agency to conduct a review of its FOIA operations, to develop an agency specific plan to improve its administration of the Act, and to include in its annual FOIA report a description of its progress in meeting the milestones and goals established in its improvement plan.

This section of the annual FOIA report contains EPA's description of its progress in implementing the milestones and goals of EPA's FOIA Improvement Plan. The reporting period for Section XII is different from that used for the rest of this report, which is based on data compiled for Fiscal Year 2007. The reporting period for this section concerning Executive Order implementation activities includes progress made through January 2008.

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not applicable.

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

EPA met all of the goals and milestones established in the report it submitted in response to Executive Order 13,392 that were to be completed for this reporting period. Specifically:

Backlog Reduction

EPA achieved its FOIA backlog reduction goals a year ahead of the October 1, 2007, milestone in its improvement plan. In September 2006, the Agency successfully reduced the actual number of requests in the backlog and achieved its reduction goal of backlog FOIAs not exceeding ten percent of the number of new FOIA requests received that year. In the succeeding months, EPA has continued to reduce its backlog numbers to historical lows. As a result of the commitment of the Agency at all levels to meet the backlog reduction goals, it became unnecessary to formally issue recommendations or guidance to accomplish this goal. However, the National FOIA Officer constantly

monitors the Agency's backlog numbers and communicates with the EPA FOIA community, as required, in this regard. EPA also realized a thirty-three percent reduction in the backlog of administrative FOIA appeals. As is the case with the initial request backlog, EPA will continue to focus on decreasing the appeals backlog. At the end of FY 07, EPA's initial FOIA request backlog was 783.

Customer Service

In the area of customer service, EPA successfully instituted pay.gov in its Headquarters and Regional offices. Requesters are now able to pay FOIA fees online.

FOIA Web Site Improvement

Finally, EPA completed the review of its Headquarters FOIA Web site and deployed a new site. EPA continues to look at ways to improve both its Web site and its dissemination of information without the need to file a FOIA request.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

Not applicable.

D. Additional narrative statements regarding other executive order related activities (optional)

EPA's Region 4 office has enhanced its Web site to provide status updates to FOIA requesters. The Web site allows requesters to obtain the name and contact information of the FOIA Specialist assigned to the request, along with the request's due date and status. The Web site is updated several times a week. Region 4 also held a training session and a FOIA requester forum in FY 07. Both events were well attended.

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) interagency or intraagency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could

reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

F. Additional statistics:

1. Ten Oldest FOIA Requests

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Requests					June 13 Nov 5 Dec 11	Jan 8 Jan 20 Feb 2 May 5 June 3 June 28 June 38			

2. Number of Consultations Received, Processed and Pending

Consultations from other Agencies During FY 07	Consultations Received from other Agencies that were processed by EPA During FY07 (includes those received prior to FY07)	Consultations Received from other Agencies that were Pending at EPA as of October 1, 2007 (includes those received prior to FY07)
32	32	7

Calendar Year	1999	2000	2001	2002	2003	2004	2005	2006	2007
Consults Received								Jan 30 Dec 13 Dec 20	Feb 27 Apr 17 Aug 28 Oct 16

G. Agency improvement plan:

In response to Executive Order 13,392, "Improving Agency Disclosure of Information," EPA reviewed its FOIA operations and looked for opportunities to continue improving the Agency's Freedom of Information Act Program. The report offers a brief overview of the program, identifies the areas considered for improvement, and concludes with a plan for strengthening some key areas of the Agency's FOIA program.

A. Overview of EPA's Freedom of Information Act Program

EPA's Freedom of Information Act Program is one of the top FOIA programs in the federal government, providing oversight, leadership, direction, training and support for FOIA activities across the Agency's 10 regions and its headquarters program offices. EPA's commitment to excellence is evident from the efforts already undertaken by the Agency to institute many of the activities required by Executive Order 13,392, including the deployment of a state of the art information technology infrastructure to support and manage this important Agency program. The Agency's program is customer focused and efficiency oriented. The Agency received 14,252 FOIA requests in 2001 and 11,820 in 2007. EPA believes that this decline in requests is largely due to the continued improvements we have made in the FOIA program and the Agency's commitment to make as much information as possible available through EPA's publicly accessible Web sites.

EPA's Assistant Administrator for Environmental Information and Chief Information Officer serves as the Agency's Chief FOIA Officer. EPA's Chief FOIA Officer is responsible for Agency-wide compliance with the Act, providing periodic reports to the Administrator on the status of the Agency's FOIA Program and making recommendations for improvements. The Agency's Chief FOIA Officer facilitates public understanding of the Act's statutory exemptions by including information about these exemptions in the Agency's FOIA Handbook and on EPA's Web site (see Section D).

The Chief of the Records, FOIA and Privacy Branch within the Office of Environmental Information is the Agency Public Liaison, and the FOIA staff of the Records, FOIA and Privacy Branch serves as the FOIA Requester Service Center. The Branch Chief is a supervisory position and the incumbent is in a position to deal with concerns raised by any requester. The Branch Chief is directly responsible for the performance of the staff composing the Requester Service Center. Our FOIA Requester Service Center is an easily accessible, first point of contact for requesters. The Center staff routinely provides general information on the Agency's FOIA process and detailed information on the status of pending requests. The Center staff is also responsible for the maintenance of EPA's FOIA Web site and processes requests received at headquarters. The Center also offers a FOIA hotline that has been operational for many years. Through the hotline, callers may receive basic information on the status of their requests, general information on how and where to submit a FOIA request, and information about the types of information available on EPA Web sites.

The Appendix to this document provides an overview of the FOIA Program roles and responsibilities within EPA.

B. FOIA Areas Selected for Review

The following areas were selected for review by the Agency:

- o FOIA training for Agency staff;
- o Agency Web sites (including the FOIA Web site);
- o Utilizing information technology in the Agency's FOIA Program;
- o FOIA request processing;
- o Expedited processing and multitrack processing of FOIA requests; and
- o EPA's FOIA response backlog.

C. Summary of Review Finding

In order to address the requirements of the Executive Order, EPA established an Executive Order implementation workgroup, headed by EPA's National FOIA Officer, to review its FOIA policies and operations. The workgroup conducted its review using the guidance issued by the Department of Justice.

This section identifies the areas reviewed by the workgroup for improvement and provides a high level assessment of the area:

1. FOIA Training for Agency Staff

EPA's commitment to excellence is reflected in its FOIA training and outreach program. This robust and mature program includes: regular national training conferences for employees and contractors; biweekly conference calls with the Regional FOIA Officers; monthly meetings with FOIA contacts in the headquarters program offices; and semiannual meetings with Regional FOIA Officers. All of these meetings involve, or are entirely focused on, providing staff with training on new developments in the FOIA program.

EPA has recently conducted a dialogue with stakeholders to find ways to further improve FOIA management at EPA. EPA plans to conduct similar sessions with other members of the public in the future. Overall, the Agency believes it has an effective FOIA training regimen.

2. Agency Web Sites, Including FOIA Site

EPA has a long term commitment to proactive disclosure. Since the advent of the Internet, the Agency has made heavy use of the EPA Web site to disclose data, information, and analyses of many kinds. EPA believes the decline in the number of FOIA requests received by EPA over the past six years (from 14,252 in 2001 to 11,820 in 2007) is largely attributable to the quantity and quality of information on the Agency's Web sites. EPA has also made considerable efforts to develop the FOIA Web site so that it is responsive to the public interest. This site contains contact information

and information on filing FOIA requests at EPA headquarters and for each regional office. EPA's FOIA staff ensured that the Web site is user friendly, up to date, accurate, and consistent with Agency policy on Web site content and format.

3. Using Information Technology in EPA's FOIA Program

EPA deployed an enterprise FOIA management system (FOIAXpress) in 2005. This system replaced an outdated tracking system (FOIAMATS) which had been in use since 1991. FOIAXpress is a state of the art system that provides "cradle to grave" electronic tracking of incoming FOIA requests and Agency responses. The system features Web based access and enhancements such as workflow management, metadata tracking, online review and redaction, Web posting, automated billing, and generation of the annual FOIA Report. The National FOIA Officer uses FOIAXpress to monitor the timeliness of FOIA responses and EPA program offices preparing FOIA responses use the application to respond to FOIA requests.

4. FOIA Request Processing

EPA processes and manages FOIA requests in a consistent and efficient manner. FOIA requesters can submit requests to EPA electronically through EPA's FOIA Web site, by fax, through the mail, or via courier services to headquarters or to one of the Agency's 10 regional offices. With FOIAXpress, the Agency's internal FOIA business processes are now primarily electronic, from initial receipt to final disposition. From a process perspective, upon receipt of a request, a FOIA Specialist reviews the request for completeness and enters requester and request metadata into FOIAXpress. The system electronically assigns the tracking number and due date. Using the workflow features of the application, the FOIA request is electronically assigned and delivered to the appropriate program office for processing. When a FOIA request is received in the program office assigned responsibility for preparing the response, the office searches for the requested records, reviews the records, makes determinations to release or withhold the records, and notifies the requester by letter of the Agency's decision. Staff in the program office signs the determinations to release information in consultation with the OEI FOIA office.

Only Division Directors or equivalent senior level employees are authorized to sign denials. A copy of the decision letter is provided to the OEI FOIA Specialist through FOIAXpress for inclusion in the official FOIA request files. After reviewing the response letter, OEI staff determines the disposition of the final action and records the disposition in the application (e.g. grant, denial, partial response).

As FOIA requests are being processed, the National FOIA Office and Regional FOIA Offices, along with the program offices, may communicate with the requester to modify or clarify the request. All such conversations are documented by email or by a letter mailed to the requester. EPA's current FOIA processing methods are much more efficient with the implementation of FOIAXpress.

5. Expedited Processing and MultiTrack

EPA grants all expedited processing requests that meet the criteria set in the statute and our implementation regulations. MultiTracking means that requests are designated as simple (must be responded to within the 20-day deadline) or complex (complicated and/or voluminous and will be responded to as soon as reasonably possible). Requesters are notified if their request is placed into the complex category. EPA follows the first in, first out, practice within each track.

The Agency concluded that the proper choice of these designations is an important aspect of the Agency's program. FOIA training activities include educating employees on making MultiTrack designations, when appropriate. Accordingly, EPA concluded that no additional action is needed at this time.

6. EPA's FOIA Response Backlog

EPA began a focused effort to address its FOIA response backlog in 2001. At that time (July 2001) there were 23,514 backlogged requests. As of the date of this report, EPA's backlog on October 1, 2007, was 783 overdue request responses. This represents a net reduction in overdue responses of over 97 percent compared to the 2001 figure.

The Agency reached two conclusions regarding the response backlog. First, it is likely that EPA will always have a backlog given the number and complexity of FOIA requests that it receives. Second, EPA's backlog requires additional resources. This is an action area described in Section D.

D. Plan for Strengthening EPA's FOIA Program

EPA concluded that improvements in the following areas would provide the biggest benefit for the Agency's FOIA program:

- o Electronic payment of FOIA fees;
- o FOIA Web site improvement; and
- o Additional resources on backlog reduction.

E. Improvement Area Planning

The EO implementation workgroup developed recommendations and proposed milestones and deadlines for improvement, when appropriate.

1. Electronic Payment of FOIA Fees

Provide all FOIA requesters with the option to pay FOIA processing fees electronically.

Milestones:

- o Meet with the U.S. Department of the Treasury to explore the implementation of electronic payment of FOIA fees through the Pay.gov portal.
- o Enter into an agreement with the U.S. Department of the Treasury to allow EPA FOIA requesters access to Pay.gov by October 1, 2006.
- o Enable FOIA requesters to pay fees for the processing of FOIA requests using Pay.gov by December 31, 2006.

Measure of Success:

Implement an electronic payment option for FOIA fees by December 31, 2006.

Status

Measure of success achieved.

2. FOIA Web Site Improvement

Conduct a comprehensive review of EPA's FOIA Web site to make it more user friendly and informative.

Milestones:

- o Establish a workgroup to identify additional content that should be included on the FOIA main page and create a prototype site to be used by headquarters and all regional offices. Identify workgroup members by July 1, 2006.
- o Workgroup concludes its review and makes recommendations for the prototype site by December 31, 2006.
- o Workgroup provides a formatted prototype site by April 1, 2007.
- o Update Agency's FOIA Web site by September 30, 2007.

Measure of Success:

EPA's FOIA Web site is updated by September 30, 2007.

Status

Measure of success achieved.

3. Backlog Reduction

Achieve a backlog reduction of 10% of the number of incoming requests.

Milestones:

- o Headquarters and regional FOIA Officers complete review of their backlog by October 1, 2006.
- o Headquarters and regional FOIA Officers make recommendations to the National FOIA Officer on ways to significantly reduce the backlog by January 15, 2007.

Measure of Success:

EPA's FOIA response backlog will not exceed 10 percent of the number of new FOIA requests received each year. EPA met this measure by September 30 2007, five months ahead of schedule.

Status

Measure of success achieved.

G. Agency Improvement Plan

EPA's Improvement Plan is located at www.epa.gov/foia/docs/FOIA_EO_13392.pdf

Appendix

EPA FOIA Program Roles and Responsibilities

EPA has a decentralized FOIA processing system but has a central point to focus in OEI for policy issues and management of the FOIAXpress application. The key roles and responsibilities in the FOIA process at EPA are:

Chief FOIA Official - EPA's Chief FOIA Officer is responsible for Agency-wide compliance with the Act, providing periodic reports to the Administrator on the status of the Agency's FOIA program and making recommendations for improvements. The Agency's Chief FOIA Officer facilitates public understanding of the Act's statutory exemptions by including information about these exemptions in our FOIA Handbook and on EPA's Web site.

National FOIA Officer (NFO) – The NFO coordinates and oversees the Agency's FOIA program; issues determinations on fee waiver and expedited processing requests; develops and reviews FOIA procedures, policies, and guidance; provides advice to Agency FOIA personnel in the program and regional offices; prepares the Annual FOIA Report; maintains the official FOIA files for headquarters; and provides training to Agency FOIA personnel.

Regional FOIA Officers – Each of the 10 EPA regions has a Regional FOIA Officer. Each Regional FOIA Officer routes requests to the appropriate action office within the region; tracks FOIA requests; provides guidance to regional personnel, in collaboration with the NFO; coordinates with the action office on initial fee waiver decisions; submits materials for the annual FOIA report; maintains the official FOIA files for the region; and monitors the quality and timeliness of responses from the regions.

Program Office Coordinators – Each headquarters program office has a lead FOIA coordinator, who works under the general direction of the NFO. The program coordinators route requests to the appropriate action office within the program; track FOIA requests for timeliness; monitor the quality of the responses; and provide guidance to program personnel, in collaboration with the NFO.

Office of General Counsel (OGC) – EPA's OGC plays a key role in its FOIA program. OGC provides legal advice on FOIA matters; issues final decisions on FOIA appeals, final confidentiality determinations, and fee waiver appeal determinations, except when a conflict of interest arise; provides legal advice on FOIA exclusions; and serves as co-counsel with U.S. Department of Justice attorneys in FOIA litigation. The Counsel to the Inspector General provides most of these services for the Agency's Office of Inspector General.